# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/895,291 | 06/29/2001 | Hani El-Gebaly | 10559-492001 | 7195 |

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| 7590 02/25/2005 | EXAMINER |

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2667 | |

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/895,291 | EL-GEBALY ET AL. |
| | Examiner | Art Unit | |
| | Viet Q. Le | 2667 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>26 August 2003</u>.

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>06/29/2001</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

### *Information Disclosure Statement*

1.      The information disclosure statement filed June 29, 2001 fails to comply with the

provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the submitted paper titled

"Dialpad Communications" lacks the date. It has been placed in the application file, but

the information referred to therein has not been considered as to the merits. Applicant

is advised that the date of any re-submission of any item of information contained in this

information disclosure statement or the submission of any missing element(s) will be the

date of submission for purposes of determining compliance with the requirements based

on the time of filing the statement, including all certification requirements for statements

under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### *Claim Rejections - 35 USC § 102*

2.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3.      Claims 1-4, 7-11, 19 and 23 are rejected under 35 U.S.C. 102(a) as being

anticipated by ITU-T H.323, hereinafter referred to as H.323.

Regarding claim 1, H.323 disclosed a system comprising: a stimulus client configured to receive user input requesting an Internet Protocol (IP) telephony service and communicate the received input over a packet-based network using a standard call control protocol; a call agent, executing on a remote server connected to the packet-based network, configured to perform the requested IP telephony service based on the received input (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between H.323 terminals and a Feature Server functional entity. This stimulus method allows the network service provider to implement new supplementary services for the terminals without changes in the terminal software, which results in easier maintenance. For interoperability, standard H.225.0 signaling is used for basic call control. Mechanisms based on Recommendation H.248 are used to manipulate physical terminations such as speaker or handset).

Regarding claim 2, H.323 disclosed a system in which the stimulus client comprises an application layer configured to communicate with an end-user and a call control protocol stack configured to communicate with the call agent using the standard call control protocol (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between H.323 terminals and a Feature Server functional entity. This stimulus method allows the network service provider to implement new supplementary services for the terminals without changes in the terminal software, which results in easier maintenance. For interoperability, standard H.225.0 signaling is used for basic call control. Mechanisms based on Recommendation H.248 are used to manipulate physical terminations such as speaker or handset).

Regarding claim 3, H.323 disclosed a system in which the stimulus client's call control protocol stack comprises a Media Gateway Control Protocol (MGCP) stack (See section 1: "Mechanisms based on Recommendation H.248 are used to manipulate physical terminations such as speaker or handset". H.248 is Media Gateway Control Protocol (MGCP) stack).

Regarding claim 4, H.323 disclosed a system in which the stimulus client's call control protocol stack comprises an ITU-T H.248 stack (See section 1: "Mechanisms based on Recommendation H.248 are used to manipulate physical terminations such as speaker or handset". H.248 is Media Gateway Control Protocol (MGCP) stack).

Regarding claim 7, H.323 disclosed a system which the call agent comprises: a feature server configured to provide telephony services to telephony endpoints; a signaling gateway communication between the feature server and one or more endpoints; and configured to facilitate one or more call to facilitate control protocol stacks signaling between the call agent configured and the one or more endpoints (See section 1.4 & 2. Because a stimulus terminal does not perform H.450 supplementary services, the feature server is responsible for providing a proxy function for handling of the H.450 procedures over the network on behalf of the terminal. The interaction with the user happens through the telephone user interface, which the feature server is able to control via the H.323 stimulus signaling. The essential requirement for an H.323-based stimulus protocol is to provide a set of capabilities that allow supporting endpoints access to a potentially unlimited set of supplementary services. A feature server typically controls these services themselves).

Regarding claim 8, H.323 disclosed a system in which the feature server is

capable of providing supplementary services to one or more endpoints (See section 1.4

& 2. Because a stimulus terminal does not perform H.450 supplementary services, the

feature server is responsible for providing a proxy function for handling of the H.450

procedures over the network on behalf of the terminal. The essential requirement for an

H.323-based stimulus protocol is to provide a set of capabilities that allow supporting

endpoints access to a potentially unlimited set of supplementary services).

Regarding claim 9 H.323 disclosed services comprise ITU-T H.450

supplementary services (See section 1.4. H.450 is written for supplementary services).

Regarding claim 10 H.323 disclosed a system which the feature server provides

non standard telephony services to one or more endpoints (See section 2, line 9. One of

the goals of the protocol H.323 is to support for arbitrary standard and non-standard

supplementary services).

Regarding claim 11, H.323 disclosed a system in which one or more call control

protocol stacks comprise one or more of a Media Gateway Control Protocol (MGCP)

stack, an ITU-T H.248 stack, a Session Initiation Protocol (SIP) stack, and an ITU-T

H.323 stack (See fig. 1 and 2. Fig.1 &2 show H.323 protocol is supported in

communicating with the stimulus terminal).

Regarding claim 19, H.323 disclosed a method comprising: response receiving

user input requesting initiation of Internet Protocol telephony service, downloading and

launching an IP telephony client application; receiving at the IP telephony client input

from a user identifying a telephony service; communicating received input to a feature

server; and based on the communicated input, performing the identified telephony

service the feature server (See Fig. 1 & 2. H.323 describes stimulus signaling

procedures between H.323 terminals and a Feature Server functional entity. This

stimulus method allows the network service provider to implement new supplementary

services for the terminals without changes in the terminal software, which results in

easier maintenance. Standard H.225.0 signaling is used for basic call control).

Regarding claim 23, H.323 disclosed the method in which the IP telephony client

communicates with the feature server using a standard call control protocol (See Fig. 1

& 2. H.323 describes stimulus signaling procedures between H.323 terminals and a

Feature Server functional entity. Standard H.225.0 signaling is used for basic call

control).

*Claim Rejections - 35 USC § 103*

4.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.      Claims 5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

H.323 in view of the submitted paper in the IDS on the "Dialpadchameleon, hereinafter

referred to as Dialpad.

Regarding claim 5, H.323 disclosed a system comprising: a stimulus client

configured to receive user input requesting an Internet Protocol (IP) telephony service

and communicate the received input over a packet-based network using a standard call

control protocol; a call agent, executing on a remote server connected to the packet-

based network, configured to perform the requested IP telephony service based on the

received input (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between

H.323 terminals and a Feature Server functional entity. This stimulus method allows the

network service provider to implement new supplementary services for the terminals

without changes in the terminal software, which results in easier maintenance. For

interoperability, standard H.225.0 signaling is used for basic call control. Mechanisms

based on Recommendation H.248 are used to manipulate physical terminations such as

speaker or handset).

H.323, however, fails to disclose the application layer comprises a user interface

having a plurality of graphical controls.

Dialpad disclosed a PC window comprises a user interface for dialing the

telephone number and the volume control as graphical controls (See section "How to

use Dialpadchameleon").

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to incorporate the graphical control interface into the client

application, the motivation being that with the graphical interface, it would be easier for

users to use the phone service at the PC level.

Regarding claim 21, H.323 failed to disclose the method in which downloading

and launching an IP telephony client application comprises transparently downloading,

from a user's perspective, a set of commands to be interpreted and performed by a

process executing on a computer platform associated with the user.

Dialpad disclosed downloading and launching an IP telephony client application

comprises transparently downloading, from a user's perspective, a set of commands to

be interpreted and performed by a process executing on a computer platform

associated with the user (See section "How to use Dialpadchameleon").

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to incorporate the downloading and the launching of the client

application to the PC level the set of commands performed by the users, the motivation

being that by transparently downloading the current required software features to the

PC users, it would be easier for the users to keep up to date the current software level

of the feature server.

6.      Claims 6, 12, 14-18, 20 and 29, are rejected under 35 U.S.C. 103(a) as being

unpatentable over H.323 in view of Gregory E. Pounds et al. (US 2004/0001479 A1)

hereinafter referred to as Pounds.

Regarding claim 6, 12, 20 and 29 H.323 disclosed a system comprising: a

stimulus client configured to receive user input requesting an Internet Protocol (IP)

telephony service and communicate the received input over a packet-based network

using a standard call control protocol; a call agent, executing on a remote server

connected to the packet-based network, configured to perform the requested IP

telephony service based on the received input (See Fig. 1 & 2. H.323 describes

stimulus signaling procedures between H.323 terminals and a Feature Server functional

entity. This stimulus method allows the network service provider to implement new

supplementary services for the terminals without changes in the terminal software,

which results in easier maintenance. For interoperability, standard H.225.0 signaling is

used for basic call control. Mechanisms based on Recommendation H.248 are used to

manipulate physical terminations such as speaker or handset).

H.323, however, fails to disclose the received user input comprises Dual Tone

Multi-Frequency (DTMF) input.

Pounds disclosed Dual Tone Multi-Frequency (DTMF) input could be used at the

input level of the communication system (See DETX paragraph 12).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to incorporate the DTMF tones at the user phone, the motivation

being that by incorporating the DTMF tones, the phone can communicate with regular

standard phones on the market and being able to access to certain digital features of

the feature server.

Regarding claim 14, H.323 disclosed the application in which the call control

protocol comprises a Media Gateway Control Protocol (MGCP) (See section 1.2 lines 1-

3. H.248 was developed for endpoints, such as telephones and residential gateways).

Regarding claim 15, H.323 disclosed the application in which the call control

protocol comprises an ITU-T H.248 protocol (See section 1: "Mechanisms based on

Recommendation H.248 are used to manipulate physical terminations such as speaker or handset". H.248 is Media Gateway Control Protocol (MGCP) stack).

Regarding claim 16, H.323 disclosed the application in which the application includes substantially no software infrastructure for performing IP telephony services locally (See section 2. The essential requirement for an H.323-based stimulus protocol is to provide a set of capabilities that allow supporting endpoints access to a potentially unlimited set of supplementary services. There are many benefits to such a protocol, such as allowing endpoints to remain relatively lightweight, and providing a degree of isolation from the effect of new feature introduction. A feature server typically controls these services themselves).

Regarding claim 17, H.323 disclosed an application in which the application comprises a set of interpreted commands (See section 3.3. H.323 endpoints support the transaction level procedures/commands of Recommendation H.248 Section 7.2).

Regarding claim 18, H.323, however, fails to disclose the application in which the application comprises an applet performed by a virtual machine.

Pounds disclosed that the Applet, a browser type interface, is preferable at the PC level for remote administration/configuration purposes to a communication system (See DETX paragraph 206).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the Applet as a browser type interface, the motivation being that by using the Applet interface, it would be easier for the users to remotely configure and access to the remote feature server.

7.     Claim 13, 24-28, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable

over H.323 in view of Pounds and in further view of Dialpad.

Regarding claim 13, H.323 disclosed a system comprising: a stimulus client

configured to receive user input requesting an Internet Protocol (IP) telephony service

and communicate the received input over a packet-based network using a standard call

control protocol; a call agent, executing on a remote server connected to the packet-

based network, configured to perform the requested IP telephony service based on the

received input (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between

H.323 terminals and a Feature Server functional entity. This stimulus method allows the

network service provider to implement new supplementary services for the terminals

without changes in the terminal software, which results in easier maintenance. For

interoperability, standard H.225.0 signaling is used for basic call control. Mechanisms

based on Recommendation H.248 are used to manipulate physical terminations such as

speaker or handset).

Pounds disclosed Dual Tone Multi-Frequency (DTMF) input could be used at the

input level of the communication system (See DETX paragraph 12).

H.323 and Pounds, however, fail to disclose the application in which the

application layer comprises a user interface having a plurality of graphic controls for

receiving user input.

Dialpad disclosed a PC window comprises a user interface for dialing the

telephone number and the volume control as graphical controls (See section "How to

use Dialpadchameleon").

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to incorporate the graphical control interface into the client

application, the motivation being that with the graphical interface, it would be easier for

users to use the phone service at the PC level.

Regarding claim 24, H.323 and Pounds, however, fail to disclose the application

in which the application layer comprises a user interface having a plurality of graphic

controls for receiving user input.

Dialpad disclosed a PC window comprises a user interface for dialing the

telephone number and the volume control as graphical controls (See section "How to

use Dialpadchameleon").

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to incorporate the graphical control interface into the client

application, the motivation being that with the graphical interface, it would be easier for

users to use the phone service at the PC level.

Regarding claim 25, H.323 disclosed information received from the feature server

and use the received information to control elements of the telephony user interface

(See Fig. 1 & 2. H.323 describes stimulus signaling procedures between H.323

terminals and a Feature Server functional entity. This stimulus method allows the

network service provider to implement new supplementary services for the terminals

without changes in the terminal software, which results in easier maintenance).

Regarding claim 26, H.323 disclosed the software which the standard call control

protocol comprises a stimulus protocol (See Fig. 1 & 2. H.323 describes stimulus

signaling procedures between H.323 terminals and a Feature Server functional entity.

Standard H.225.0 signaling is used for basic call control).

Regarding claim 27, H.323 disclosed the software, which the standard

comprises, a Media Gateway Control call control protocol (MGCP) (See section 1:

"Mechanisms based on Recommendation H.248 are used to manipulate physical

terminations such as speaker or handset". H.248 is Media Gateway Control Protocol

(MGCP) stack).

Regarding claim 28, H.323 disclosed the standard call control protocol comprises

an ITU-T H.248 protocol (See section 1: "Mechanisms based on Recommendation

H.248 are used to manipulate physical terminations such as speaker or handset". H.248

is Media Gateway Control Protocol (MGCP) stack).

Regarding claim 30, H.323 disclosed the software further comprising instructions

to receive user input requesting initiation of Internet Protocol telephony service and, in

response to the received user input, download and launch an IP telephony client

application (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between

H.323 terminals and a Feature Server functional entity. This stimulus method allows the

network service provider to implement new supplementary services for the terminals

without changes in the terminal software, which results in easier maintenance. Standard

H.225.0 signaling is used for basic call control).

8.      Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over H.323 in

view of Dialpad and in further view of Pounds.

Regarding claim 22, H.323 disclosed a system comprising: a stimulus client

configured to receive user input requesting an Internet Protocol (IP) telephony service

and communicate the received input over a packet-based network using a standard call

control protocol; a call agent, executing on a remote server connected to the packet-

based network, configured to perform the requested IP telephony service based on the

received input (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between

H.323 terminals and a Feature Server functional entity. This stimulus method allows the

network service provider to implement new supplementary services for the terminals

without changes in the terminal software, which results in easier maintenance. For

interoperability, standard H.225.0 signaling is used for basic call control. Mechanisms

based on Recommendation H.248 are used to manipulate physical terminations such as

speaker or handset).

Dialpad disclosed a PC window comprises a user interface for dialing the

telephone number and the volume control as graphical controls (See section "How to

use Dialpadchameleon").

H.323 and Dialpad, however, fails to disclose the application in which the

application comprises an applet performed by a virtual machine.

Pounds disclosed that the Applet, a browser type interface, is preferable at the

PC level for remote administration/configuration purposes to a communication system

(See DETX paragraph 206).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to utilize the Applet as a browser type interface, the motivation

being that by using the Applet interface, it would be easier for the users to remotely

configure and access to the remote feature server.

### *Conclusion*

9.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Viet Q. Le whose telephone number is 571-272-2246.

The examiner can normally be reached on 8 AM -5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ken Vanderpuye can be reached on 571-272-3078.  The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

VL

KENNETH VANDERPUYE
PRIMARY EXAMINER